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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Reba Goodman, et al

Serial No.: 09/769,902

Examiner: S. Pappu

Filed: January 25, 2001

Group Art Unit: 1636

For: A METHOD FOR REGULATING GENES WITH
ELECTROMAGNETIC RESPONSE ELEMENTS

#11

1185 Ave of the Americas
New York, New York 10036
June 20, 2002

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

COMMUNICATION IN RESPONSE TO MAY 20, 2002 OFFICE COMMUNICATION

This Communication is submitted in response to the May 20, 2002 Office Communication. A response to this May 20, 2002 Office Communication is due June 20, 2002. Accordingly, this Communication is being timely filed.

It appears that the May 20, 2002 Office Communication was issued because the drawings were referred in the specification and that the Patent Office stated that no drawings were filed with the original application. While applicants still believe that the drawings were filed with the original application, applicants have reviewed the application and found that the drawings are not necessary under 35 U.S.C. §113, which states, "The applicant shall furnish a drawing where necessary for the understanding of the subject matter to be patented. When the nature of such subject matter admits of illustration by a drawing and the applicant has not furnished such a drawing, the Commissioner may require its submission within a time period of not less than two months from the sending of a notice thereof." Moreover, applicants believe that the specification fully contains the

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disclosures made to the drawings.

In a telephone conversation on June 18, 2002 between Examiner Sita S. Pappu and Paul Lim of Cooper Dunham LLP, Examiner Pappu stated that the Patent Office was withdrawing the May 20, 2002 Office Communication. On June 19, 2002, in a telephone conversation between Examiner Pappu and Peter J. Phillips of Cooper Dunham LLP, the attorney of record, Examiner Pappu again reiterated that the Patent and Trademark Office was withdrawing the May 20, 2002 Office Communication. Applicants were also advised that a petition would need to be filed to have the drawings accepted and that the filing date would be the date that the drawings were received. Applicants have elected not to file a petition because the drawings are not necessary under 35 U.S.C. §113 and merely describe what was in the specification. Moreover, it appears that the Communication was issued by the Patent Office simply because the specification referred to the drawings without first determining whether the drawings were necessary. Now that the Communication has been withdrawn, Examiner Pappu seems to have determined that the drawings were not necessary.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone the number provided below.

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No fee is deemed necessary in connection with the filing of this Communication. If a fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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 6/20/02
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